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9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **OAKLAND DIVISION**

13 PHOENIX TECHNOLOGIES LTD., a
Delaware corporation,

14 Plaintiff,

15 vs.

16 DEVICEVM, INC., a Delaware corporation,
and BENEDICT CHONG, an individual,

17 Defendants.

Case No. 4:09-cv-04697-CW (EDL)

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE HEARING
DATE AND BRIEFING SCHEDULE
REGARDING DEFENDANTS' MOTION
FOR PROTECTIVE ORDER BASED ON
CAL. CIV. PROC. CODE § 2019.210
AS MODIFIED**

Complaint filed: July 17, 2009

Trial Date: None Set

STIPULATION

WHEREAS, on December 21, 2009 Defendants DeviceVM, Inc. and Benedict Chong filed a Motion for Protective Order Based on Cal. Civ. Proc. Code § 2019.210 (“the Motion”) and set the hearing date for January 26, 2010 at 9:00 a.m. before the Honorable Elizabeth D. Laporte;

WHEREAS, counsel for Defendants and Plaintiff Phoenix Technologies Ltd. (“Plaintiff”) appeared before the Honorable Elizabeth D. Laporte on December 22, 2009;

WHEREAS, counsel for Defendants and Plaintiff have agreed to a continuance of the hearing date and briefing schedule related to the Motion;

ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY STIPULATE to continue the Motion hearing date and briefing schedule as follows:

- The last court day for Plaintiff to file its opposition to the Motion is continued from January 5, 2010 to January 12, 2010;
- The last court day for Defendants to file their reply is continued from January 12, 2010 to January 19, 2010;
- The last court day for Plaintiff to submit its Rule 79-5 declaration in response to Defendants’ motion to seal is January 12, 2010; and
- The hearing date for the Motion is continued from January 26, 2010 to February 2, 2010 at 9:00 a.m. ~~or as soon thereafter as the Court’s schedule permits.~~

IT IS SO STIPULATED.

Dated: December 22, 2009 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.

/s/ Karineh Khachatourian
By: KARINEH KHACHATOURIAN
BRYAN J. SINCLAIR
JEFFREY M. RATINOFF

Attorneys for Plaintiff and Counter-Defendant,
PHOENIX TECHNOLOGIES LTD.

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1 Dated: December 22, 2009

O'MELVENY & MYERS LLP

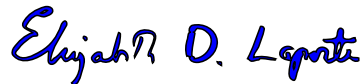
2 /s/ Eric J. Amdursky

3 By: STEPHEN J. AKERLEY
4 ERIC J. AMDURSKY
5 PETER T. SNOW

6 Attorneys for Defendant and Counterclaimant,
7 DEVICEVM, INC. and Defendant BENEDICT CHONG.

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

9
10 Dated: December 23, 2009

11 

12 THE HONORABLE ELIZABETH D. LAPORTE
13 UNITED STATES MAGISTRATE JUDGE

14
15 ATTESTATION

16 I, Karineh Khachatourian, am the ECF User whose ID and password are being used to file
17 this Stipulation and [Proposed] Order Continuing the Hearing Date and Briefing Schedule
18 Regarding Defendants' Motion for Protective Order. In compliance with General Order 45. X.B.,
19 I hereby attest that Eric J. Amdursky has concurred in this filing.

20
21 Dated: December 22, 2009

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO, P.C.

22 /s/ Karineh Khachatourian

23 By: KARINEH KHACHATOURIAN
24 BRYAN J. SINCLAIR
25 JEFFREY M. RATINOFF

26 Attorneys for Plaintiff and Counter-Defendant,
27 PHOENIX TECHNOLOGIES LTD.